REMARKS

Prior to entry of this amendment, Claims 1-30 were pending in this application, with Claims 1-30 standing rejected. Claims 2, 3 and 26-30 are canceled and Claims 31-34 are added. Hence, Claims 1, 4-25 and 31-34 are presently pending in this application.

Applicant appreciates the examiner's participation in the telephonic interview on March 23, 2004, and the clarifications offered.

REJECTIONS BASED ON PRIOR ART

Rejection under 35 U.S.C. §102(b)

The Office Action rejected Claims 1-8, 20, 21, 24 and 26 under 35 U.S.C. §102(b) as allegedly anticipated by Hu et al. ("*Hu*"; U.S. Patent No. 5,748,188).

Claim 1 recites a method in which a first portion of a topology is plotted and caused to be displayed and **a second graph is caused to be displayed, which comprises (a) at least a portion of the first portion of the topology and (b) a second portion of the topology, without retrieving again the first topology information from the data source and plotting again the graph of the first portion of the topology.** Hence, incremental plotting of a network topology is achieved in an efficient manner, because the same underlying data does not need to be retrieved multiple times for multiple graphs and the same underlying data does not need to be re-plotted into the graphical format multiple times for multiple graphs.

The foregoing features are not disclosed by *Hu*. *Hu* appears to disclose the use of HTML extensions for graphical reporting over the Internet (Title), which are part of an HTML document that is formulated in response to user-specified parameters for InfoFrames (col. 6, lines 9-12), which are defined as compound documents that display

data from a database in text and graphics (col. 5, lines 24-26). A data abstraction

intelligence (DAI) subsystem translates user requests, manipulates data views and

generates queries for retrieving data from a data warehouse, and manages metadata to

instantiate the InfoFrames, where the metadata represents Business Concepts and

Business Indicators that provide a customizable "dimensionalization" of the data in the

warehouse (col. 6, lines 15-30). A data and schema manipulation (DSM) subsystem

reads schema from the data warehouse, creates data views and creates mappings between

the two, and translates queries received from the DAI into SQL and package and return

results (col. 6, lines 31-35).

Thus, although there is mention of data views, as the examiner pointed out in the

telephonic interview, a database data view is not a network topology graph. Rather, a

data view is typically a table of values. Significantly, in creating data views, *Hu* does not

disclose **incremental plotting of a network topology where portions of the underlying

topology data are retrieved in increments, and in which two portions can be

displayed as one graph without having to re-retrieve and re-plot a first portion**, such

as with Claim 1 of the application. Furthermore, the use of data views does not imply an

incremental graph plotting routine as recited in Claim 1.

In *Hu*, each view that is returned by the DSM in response to a query received

from the DAI, which instantiates InfoFrames based on a view in response to requests

from users, would include the entire underlying data that is used to display a selected

InfoFrame on a screen. *Hu* mentions that a user can save a viewed InfoFrame (col. 10,

line 60), but does not teach that a saved InfoFrame can effectively be **merged** with

another InfoFrame (or graph), or a portion thereof, to form a new InfoFrame (or graph).

Therefore, with *Hu*, <u>a request for a second graph that includes part of a previously</u> <u>displayed first graph would have to perform the complete process described above for all</u> <u>of the data underlying the second graph, including the data associated with the first graph,</u> e.g., translate a user request for the second graph (DAI), generate queries of the data warehouse based on the request (DAI), translate the queries received from the DAI to create data views mapped to schema (DSM), and return the entire results (DSM) to the DAI for instantiation of the requested InfoFrame (DAI). Thus, there is no teaching in *Hu* of an **incremental** topology plotting process as recited in Claim 1.

For a proper anticipation rejection, a reference must show each and every feature of a claim in the same combination as claimed. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). *Hu* does not disclose, explicitly or implicitly, all of the features of Claim 1. For at least the reasons presented, Claim 1 is patentable over the references of record, and reconsideration and withdrawal of the rejection is kindly requested.

Claims 4-8 depend directly or indirectly from Claim 1 and, therefore, are patentable over the references of record for at least the same reasons as Claim 1. Therefore, reconsideration and withdrawal of the rejection of Claims 4-8 is requested.

Claim 20 recites a computer-readable media carrying sequences of instructions which, when executed by one or more processors, cause the processors to perform steps that correspond to steps recited in the method claim of Claim 1. Therefore, Claim 20 is patentable over the references of record for at least the same reasons as Claim 1. Furthermore, Claim 21 depends from Claim 20 and, therefore, is also patentable over the

references of record for the same reasons. Reconsideration and withdrawal of the rejection of Claims 20 and 21 is requested.

Claim 24 recites a computer system comprising processors configured for performing the steps recited in the method of Claim 1. Therefore, Claim 24 is patentable over the references of record for at least the same reasons as Claim 1. Reconsideration and withdrawal of the rejection of Claim 24 is requested.

Rejection under 35 U.S.C. §103(a)

The Office Action rejected Claims 9-19, 22, 23 and 25 under 35 U.S.C. §103(a) as allegedly unpatentable over *Hu* in view of Besaw, et al. (*"Besaw"*; U.S. Patent Application Publication No. 2002/0158897).

Independent Claim 9 recites the same fundamental process as Claim 1, but with additional recitation of attributes contained within the markup language document. As shown in reference to Claim 1, *Hu* does not teach the fundamentals of a method in which a first portion of a topology is plotted and caused to be displayed and **a second graph is caused to be displayed, which comprises (a) at least a portion of the first portion of the topology and (b) a second portion of the topology, without plotting again the graph of the first portion of the topology**, as featured in Claim 9. Because the disclosure of *Hu* is deficient in its teachings with respect to the claim features on which *Hu* is relied for the rejection of Claim 9, it must follow, therefore, that a combination of *Hu* and *Besaw* cannot and does not make Claim 9 obvious. Reconsideration and withdrawal of the rejection of Claim 9 is requested.

Claims 10-19 depend directly or indirectly from Claim 9 and, therefore, are patentable over the references of record for at least the same reasons as Claim 9. Therefore, reconsideration and withdrawal of the rejection of Claims 10-19 is requested.

Claim 22 recites a computer-readable media carrying sequences of instructions which, when executed by one or more processors, cause the processors to perform steps that correspond to steps recited in the method claim of Claim 9. Therefore, Claim 22 is patentable over the references of record for at least the same reasons as Claim 9. Furthermore, Claim 23 depends from Claim 22 and, therefore, is also patentable over the references of record for the same reasons. Reconsideration and withdrawal of the rejection of Claims 22 and 23 is requested.

Claim 25 claims an apparatus comprising means for performing steps recited in Claim 9. Therefore, Claim 25 is patentable over the references of record for at least the same reasons as Claim 9. Reconsideration and withdrawal of the rejection of Claim 25 is requested.

NEW CLAIMS

New Claims 31-34 are added to clearly claim a feature that was previously claimed in canceled Claim 2 and, therefore, no new matter is introduced in the application by way of these new claims. The recited feature is "wherein the step of receiving the second markup language document comprises **receiving the second markup language document in response to an interaction with the graphical image ....**" For example, once the graph of the first portion of the network topology is plotted and displayed as in Claims 1, 9, 20 and 22, respectively, a graphical image (e.g., an icon representing a node or a connection) in the graph can be clicked with a computer mouse

to initiate the processing of the second graph. Practically, since the first graph is likely a portion of the entire network topology, a user may want to change the focus of what is currently displayed, and can do so by interacting with a graphical image on the display and thereby changing the focal point of the graph to the graphical image.

Hu mentions that a user can "drill down from the current InfoFrame" (col. 10, line 37); however, this drill down process is initiated <u>by clicking on a hypertext</u> (col. 10, lines 43-47). First, a hypertext [link] is not the same as **a graphical image** as recited in Claims 31-34, which, for a non-limiting example, may be a graphical icon representing a node in the displayed network topology. Second, *Hu* clearly states that clicking on the hypertext <u>sends a new report request</u> (col. 10, line 39 and lines 46-47), which would <u>require the complex process summarized above</u> in reference to Claim 1.

For the foregoing reasons, in addition to their dependencies on respective patentable claims, Claims 31-34 are patentable over the references of record.

CONCLUSION

For at least the reasons indicated above, Applicants submit that all of the pending claims (1, 4-25 and 31-34) present patentable subject matter over the references of record, and are in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully Submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: ___3/31/04___

John D. Henkhaus
John D. Henkhaus
Reg. No. 42,656

(408) 414-1080, Ext. 203
Fax: (408) 414-1076
1600 Willow Street
San Jose, CA 95125-5106

Ser. No. 09/905,306—Goldschmidt—GAU 2672 (M. Good-Johnson)
Attorney Docket No. 50325-0552